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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Richard M. CARLTON et al.	)	
	)	
Application No.: Unassigned	)	Group Art Unit: Unassigned
	)	
U.S. Filing Date: September 24, 2004	)	Examiner: Unassigned
	)	
National Stage of PCT/US2003/009226	)	
	)	
PCT Filing Date: March 26, 2003	)	

For: USE OF OXYGENATING AGENTS TO ENHANCE HOST  
RESPONSES TO INFECTIONS AND TO IMPROVE THE IN  
VIVO EFFICACY OF ANTIMICROBIALS

Commissioner for Patents  
MAIL STOP PCT

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449.

The attached search report for the PCT application from which this National Phase U.S. Application is derived cites the listed documents, setting forth the relevance thereof.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.


United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



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Date: June 27, 2005

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**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

**PTO Form 1449**Attorney Docket No.  
056289-5001Application No.  
Unassigned

Applicants: Richard M. CARLTON et al.

**PAGE 1 of 1**

Filing Date: September 24, 2004

Group Art Unit: Unassigned

**U.S. PATENT DOCUMENTS**

*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Sub Class	<u>Translation</u> <b>YES</b> <b>NO</b>	
		DE 3438966 A1	Apr. 24, 1986	Germany				
		WO 92/02242	Feb. 20, 1992	WIPO				X
		DE 2523052	Dec. 2, 1976	Germany				X

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

		Derek Hobson et al., "The Antibacterial Activity of Hemoglobin". The Journal of Experimental Medicine, Vol. 107, No. 2, February 1, 1958, pp. 167-183.
		D. C. Wood et al., "Hemoglobin and Related Compounds as Antibacterial Agents". Laborat. Invest., Vol. 7, No. 1, January - February 1958, pp. 1-8.
		K. Parfitt (ED), "Martindale; The Complete Drug Reference" (32 Edition). Pharmaceutical Press, Taunton, Massachusetts, pp. 1116-1117, 1123.

Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.